

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

SHEILA HELMERT, WILMA BROWN, and
LORI WEST, individually and on behalf of all others
similarly situated

PLAINTIFFS

v.

No. 4:08CV00342 JLH

BUTTERBALL, LLC

DEFENDANT

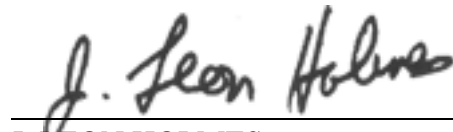
OPINION AND ORDER

Pending before the Court is the defendant's Motion in Limine to Strike Witnesses from the Plaintiffs' Fact Trial Witness Disclosures. On November 30, 2010, the parties submitted fact witness lists, as required by the Court's Final Scheduling Order. In addition to specifically named witnesses, the plaintiffs' witness list included "any opt-in plaintiff not listed above"; "any plant manager or supervisor not listed above," including all Huntsville and Ozark "current and past production supervisors and shift managers"; Jonathan Krinheim, Counsel for the Office of Solicitor of the U.S. Department of Labor; and Stephen Munger and Christopher Lauderdale, attorneys of record for Butterball. Document #297. On March 3, 2011, Butterball filed its motion to strike these witnesses from the plaintiffs' witness list. In their response, the plaintiffs agreed to remove Stephen Munger and Christopher Lauderdale from their witness list. A motion hearing was held on June 22, 2011, regarding this and other motions. At the hearing, the plaintiffs stated that they would not be calling Jonathan Krinheim as a witness. The parties also agreed that the plaintiffs would remove "any opt-in plaintiff not listed above" from their witness list but would reserve the right to amend that list for good cause. The only issue left to resolve, then, is whether "any plant manager or supervisor not listed above," including all Huntsville and Ozark current and past production supervisors and shift managers, should be stricken from the plaintiffs' witness list.

In their briefs, the plaintiffs argue that any plant manager or supervisor not specifically listed by name is a potential witness since, at the time the briefs were filed, Butterball managers and supervisors had not yet been deposed. The plaintiffs stated in their surreply that, “by the end of April no mystery will exist as to which managers/supervisors will be potential fact witnesses at trial.” Document #346, at 2.

Since that April deadline has long since passed, the Court GRANTS Butterball’s motion to remove from the plaintiffs’ witness list “any plant manager or supervisor not listed above,” including all Huntsville and Ozark current and past production supervisors and shift managers. Document #317. As with the opt-in plaintiffs, however, the plaintiffs may amend their list of managers and supervisors for good cause or to include any managers and supervisors who have been deposed in the *Helmert* case and are not specifically listed.

IT IS SO ORDERED this 27th day of July, 2011.

A handwritten signature in dark ink, appearing to read "J. Leon Holmes", is written over a horizontal line.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE